

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

LARRY KEITH DAILEY,

Plaintiff,

v.

**Civil Action No. 2:07cv94
(Judge Maxwell)**

**SAINT MARY'S CORRECTIONAL
CENTER, WILLIAM M. FOX, TONEY
LEMASTERS AND DAN KIMBLE,**

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTED COUNSEL**

This case is before the Court on the plaintiff's Motion for Appointment of Counsel, filed December 14, 2007. In the motion, the plaintiff seeks appointed counsel because he cannot afford to hire counsel on his own and because he has limited or no knowledge of the law.

In contrast to criminal proceedings, appointment of counsel in a civil case is not a constitutional right; it is a decision within the Court's discretion. See 28 U.S.C. § 1915(e)(1). The Court should request counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4th Cir. 1975). "The question of whether such circumstances exist in any particular case hinges on characteristics of the claim and the litigant." Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir 1984).

In this case, the plaintiff has failed to show a particular need or exceptional circumstances which would require the assistance of a trained practitioner. Accordingly, the plaintiff's motion for appointed counsel (dckt. 9) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: December 18, 2007.

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE